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HERMINIA LORENZO CRUZ

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

HERMINIA LORENZO CRUZ,

Plaintiff,

v.

INTERNATIONAL COLLECTION
CORPORATION, a California corporation, and
CHARLES D. HENDRICKSON, individually
and in his official capacity,

Defendants.

Case No. C08-00991-JF-RS

**STIPULATION AND JOINT
REQUEST TO CONTINUE ALL
SCHEDULED DATES FOR 120
DAYS**

On June 3, 2008, the parties filed a Joint Case Management Statement and Federal Rule of Civil Procedure 26(f) Discovery Plan (Doc. 16) wherein the parties proposed a case management schedule in this case. On June 19, 2008, the Court vacated the Case Management Conference and adopted the parties proposed case management schedule. (Doc. 20).

Thus far the parties in this case have conducted written discovery, exchanged various documents and the Plaintiff's deposition has been taken by Defendants. Plaintiff has deposed Defendant, Charles D. Hendrickson, and a third-party, Franklin Jay Love. Plaintiff has also notice the depositions of Luigi S. Rossi and International Collection Corporations' Rule 30(b)(6) witness. Said depositions were to be held in Los Angeles on December 10 and 12, 2009, but Luigi S. Rossi was very

1 ill and unable to attend his deposition. Additionally, Defendants had resisted in providing Luigi S.
 2 Rossi's home address so that he could be served with a Subpoena for his deposition. Defendants have
 3 now agree to provide Luigi S. Rossi's home address and his deposition will be rescheduled for late
 4 January or early February 2009. Additionally, Plaintiff was unable to take the Rule 30(b)(6) deposition
 5 as scheduled and the parties have agreed that it will be rescheduled to coincide with the deposition of
 6 Luigi S. Rossi.
 7

8 With regard to Mediation, Plaintiff had taken a fall, was hospitalized and was unable to
 9 participate in a Mediation in this case before the presumptive deadline. On September 3, 2008, the
 10 parties requested a 90 day extension of the ADR deadline (Doc. 28) which the Court granted on
 11 September 10, 2008. (Doc. 30). Thereafter, the parties engaged in written discovery and the Plaintiffs
 12 deposition was taken. However, before the parties could schedule a Mediation, Plaintiff became ill and
 13 has sought medical treatment in the Philippines. Plaintiff's counsel has been informed that Plaintiff
 14 may be absent from the country for up to 90 days. Therefore, the parties have not been able to schedule
 15 and attend a Mediation in this case to date.
 16
 17

18 Due to the calendaring conflicts of counsel for the parties, the witnesses and scheduling the
 19 travel that will be required to complete the depositions and conduct a Mediation in this case, the parties
 20 jointly seek a 120 day continuance of all dates currently set in this matter.

21 Dated: December 23, 2008

/s/ Fred W. Schwinn

Fred W. Schwinn, Esq.

Attorney for Plaintiff

HERMINIA LORENZO CRUZ

24 Dated: December 23, 2008

/s/ Larry Rothman

Larry Rothman, Esq.

Attorney for Defendants

INTERNATIONAL COLLECTION
 CORPORATION, and CHARLES D.
 HENDRICKSON


~~{PROPOSED}~~ ORDER

Having considered the parties Stipulation and Joint Request to Continue all Scheduled Dates for 90 Days, the request is GRANTED. The case management dates in this case are continued to the following dates:

	Current Date	Continued Date
ADR Deadline	December 31, 2008	April 30, 2009
Close of Fact Discovery	December 31, 2008	April 30, 2009
Fed. R. Civ. P. 26(a)(3) Disclosures	January 14, 2009	May 15, 2009
Last Day to File Dispositive Motions	February 13, 2009	June 13, 2009
Opposition to Dispositive Motions	February 27, 2009	June 27, 2009
Replies to Dispositive Motions	March 6, 2009	July 6, 2009
Hearing on Dispositive Motions	March 20, 2009	July 10, 2009
Final Pre-Trial Conference	March 27, 2009	July 17, 2009
Jury Trial	April 17, 2009	August 7, 2009

IT IS SO ORDERED.

1/5/09



Honorable Jeremy Fogel
United States District Judge